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PATENT
ATTORNEY DOCKET NO. 10498-00067

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nagi G. Ayad and Marc W. Kirschner

Serial No.: 10/817,204

Filed: April 2, 2004

Title: NOVEL CELL CYCLE GENES REQUIRED FOR
MITOTIC ENTRY

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) Examiner:
)
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) Art Unit: 1645
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)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND REQUEST FOR REFUND PURSUANT TO 37 CFR § 1.26(a)

On March 21, 2005, Applicants filed a Request for Refund which was subsequently denied. The enclosure sent by the USPTO with the Denial, however, indicates that there are still additional charges applied in error in this application. Applicants submit accordingly a second request for refund.

Two unidentified charges to Deposit Account 19-0733 have been made in the above-referenced application in the amounts of \$558.00 on June 23, 2004, under fee code 2202 for claims in excess of 20; and \$790.00 on March 4, 2005, under fee code 1801 for filing an RCE, a

10/11/2005 SDIRETA1 00000011 10817204

01 FC:2801 395.00 OP

Adjustment date: 10/11/2005 SDIRETA1
03/07/2005 BBONNER 00000017 10817204
01 FC:1801 -790.00 OP

Adjustment date: 10/11/2005 SDIRETA1
03/07/2005 BBONNER 00000017 10817204
01 FC:1801 -790.00 OP

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0030026093

Refund Ref:
10/11/2005

Credit Card Refund Total: \$395.00

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total of \$1,348.00 in extra charges. A copy of the USPTO's RAM Fee History Query sent with its communication of May 16, 2005 is enclosed.

To date the only submissions in this application requiring a fee are:

Petition to Accept Color Photographs submitted April 2, 2004, fee \$130.00 (sequence no. 00000151);

Response to Notice to File Missing Parts submitted July 23, 2004 including the following fees:

Basic filing fee for a small entity, \$385.00 (sequence no. 00000107);

Additional claims charge, \$819.00 (sequence no. 00000109);

Additional independent claims charge, \$301.00 (sequence no. 00000108);

Multiple dependent claims charge, \$145.00 (sequence no. 00000110);

Late filing surcharge, \$65.00 (sequence no. 00000111); and

Recordation of the Assignment submitted July 26, 2004, \$40.00 (sequence no. 00001165).

The most recent updated Official Filing Receipt Applicants have received an indicates that a total of \$2,273.00 in fees have been charged to the Deposit Account. A copy of the Updated Filing Receipt dated March 9, 2005 is enclosed. The total filing fees that should have been charged for this application should have been \$1,885.00, not \$2,273.00.

Further, there were no submissions by Applicants on or around June 23, 2004 or March 4, 2005, as indicated on the RAM Fee History Query, nor has any RCE been filed in this application. The total additional claims fees to date for this application have been accounted for under sequence nos. 00000108, 00000109, and 00000110, circled on by USPTO clerk Eleanor Kurtz on the enclosed RAM Fee History Query.

In addition, payment of all fees were authorized solely to be charged to Deposit Account 19-0733, not to a credit card as shown in sequence no. 00000025 under payment method on the RAM Fee History Query.


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According to the enclosed RAM Fee History Query, the total fees charged in this application are \$3,233.00. Accordingly, Applicants respectfully request a refund in the amount of \$1,348.00 to be credited to Deposit Account 19-0733 referencing "Attorney Docket No. 10498-00067."

Respectfully submitted,

Dated:

July 26, 2005


John P. Iwanicki, Reg. No. 34,628
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